

**AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

UEZ-05-11

**AN ORDINANCE TO CREATE THE "CONSTITUTION AVENUE
APARTMENTS" HOUSING ENTERPRISE ZONE, TO BE LOCATED AT 2120
Forest Park Road, S.E., Atlanta, Georgia AND FOR OTHER PURPOSES**

NPU "Z"**COUNCIL DISTRICT 1**

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Constitution Avenue Apartments" Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Constitution Avenue Apartments" Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Constitution Avenue Apartments" Housing Enterprise Zone, are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Constitution Avenue Apartments" Housing Enterprise Zone is hereby created for the subject property at 2120 Forest Park Road, Atlanta, Georgia. The property contains 14.25 acres of land and includes the following tax parcel code number(s) 14-0006-LL067. The effective date of all exemptions established therein shall be January 1, 2007. The "Constitution Avenue Apartments" Housing Enterprise Zone shall be abolished on December 31, 2016. The "Constitution Avenue Apartments" Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description and map of the "Constitution Avenue Apartments" Housing Enterprise Zone are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Constitution Avenue Apartments" Housing Enterprise Zone shall be developed as a residential development project, which shall consist of 168 residential units. The project shall be developed in one phase(s) and shall contain 233,462 total square feet of building space. In accordance with the requirements for housing enterprise zones, 166(98 percent) of the total 168 housing units would be designated as being "affordable" (for moderate-income residents), which would exceed the required minimum of 20 percent.

Section 4. The development of the "Constitution Avenue Apartments" Housing Enterprise Zone shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), which are provided below.

City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.

The "Constitution Avenue Apartments" Housing Enterprise Zone shall consist of 168 total units, of which 126 units shall be two-bedroom units (75%), and 42 units shall be three-bedroom units (25%). The "Constitution Avenue Apartments" Housing Enterprise Zone shall designate 166 of the proposed 168 total units (98%) as being "affordable", which exceeds the required minimum housing affordability

provision of 20 percent of the total 168 units. Compared to the minimum housing affordability requirement of 33 total units, to which the ratios of 75 percent for two-bedroom units (126 units), and 25 percent for three bedroom units (42 units), are applied, the "Constitution Avenue Apartments" Housing Enterprise Zone shall designate 124 two-bedroom units and 42 three-bedroom units as being "affordable", which exceeds the housing affordability requirements by bedroom composition.

City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development.

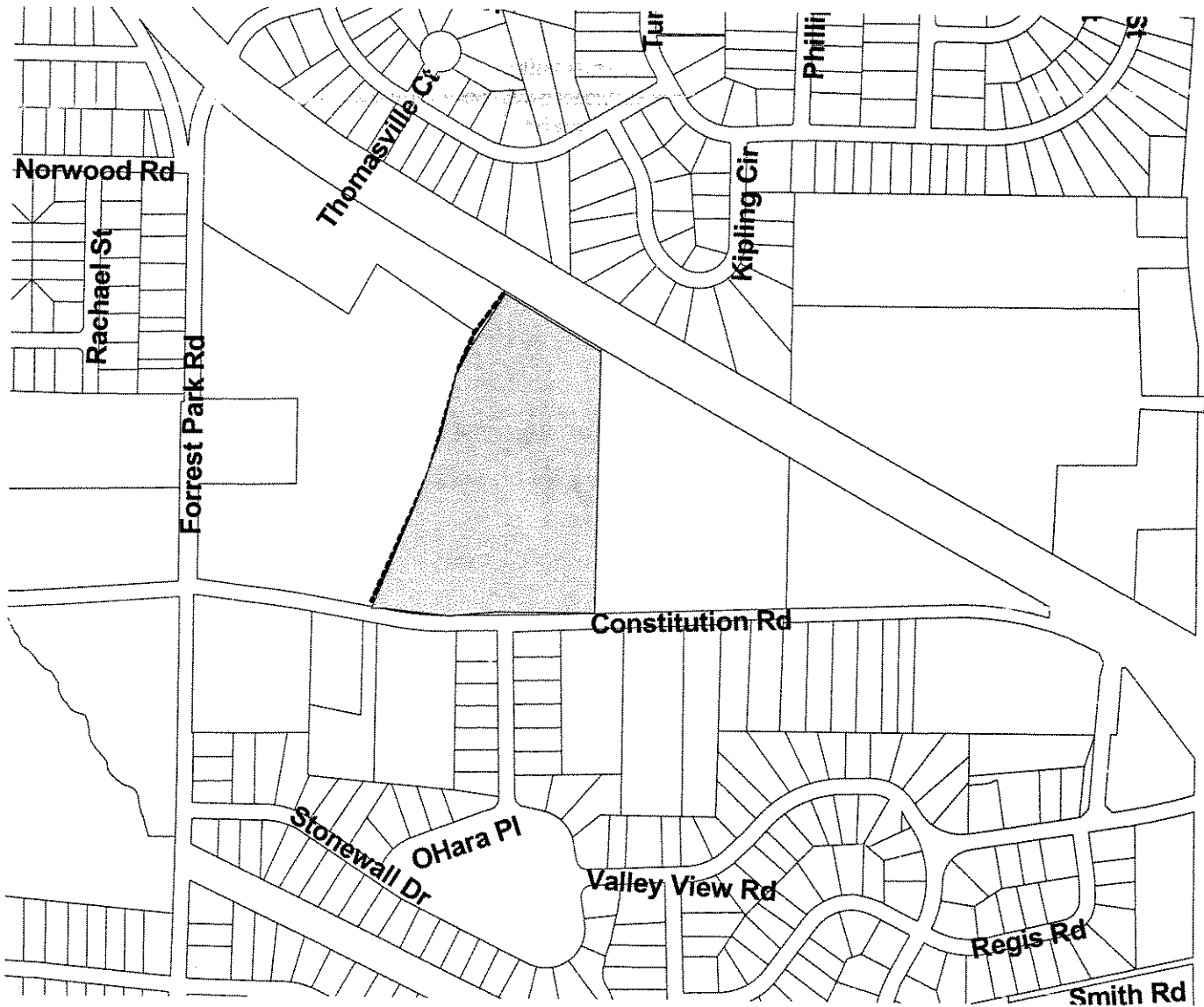
City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, Internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.

All of the proposed housing units within the "Constitution Avenue Apartments" Housing Enterprise Zone shall be for rent and shall reflect the same ratio of bedroom composition that is proposed throughout the zone. Further, the proposed monthly rents shall not exceed 30 percent of the low-income level defined in section 146-52(2)a.1.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Constitution Avenue Apartments" Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

CONSTITUTION AV. APARTMENTS HOUSING ENTERPRISE ZONE

LOCATED AT 2120 FOREST PARK RD.
DIST. 14, LAND LOT 6
COUNCIL DISTRICT 1, NPU - Z



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TAB 12: LEGAL DESCRIPTION OF THE PROPERTY – Constitution Avenue Apartments

Legal Description

All that tract or parcel of land lying and being in Land Lot 6 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the true point of beginning commence at a point being the intersection of the easterly right of way of Forest Park Road and the northerly right of way of Constitution Road; thence along said right of way of Constitution Road and running in a southeasterly direction a distance of 521.57 feet to the TRUE POINT OF BEGINNING, from point thus established and leaving said right of way and running North 08° 40' 13" East a distance of 309.70 feet to a point; thence North 37° 31' 38" East a distance of 144.15 feet to a point; thence North 05° 40' 04" East a distance of 96.35 feet to a point; thence North 24° 19' 32" East a distance of 341.72 feet to a point; thence North 51° 16' 16" East a distance of 114.84 feet to a point; thence North 34° 17' 00" East a distance of 160.66 feet to a point; thence South 55° 43' 00" East a distance of 385.43 feet to a point; thence South 01° 46' 00" West a distance of 883.34 feet to a point on the northerly right of way of aforementioned Constitution Road; thence along said right of way and running along a curve to the right an arc distance of 760.04 feet (said curve having a radius of 4437.00 feet; a chord bearing of North 84° 53' 03" West and a chord distance of 759.11 feet) to the true POINT OF BEGINNING. Said tract containing 14.250 acres.



Legislative White Paper

Committee of Purview: Community Development and Human Resources Committee

**Caption AN ORDINANCE TO CREATE THE "CONSTITUTION AVENUE
APARTMENTS" ENTERPRISE ZONE TO BE LOCATED AT 2120 FOREST PARK
ROAD, S.E. ATLANTA, GEORGIA; AND FOR OTHER PURPOSES.**

Council Meeting Date: SEPTEMBER 19, 2005

Legislation Title:

Requesting Dept.: Planning and Community Development

Contract Type:

Source Selection:

Bids/Proposals Due: n/a

Invitations Issued:

**Number of Bids/
Proposals Received: n/a**

Bidders/Proponents: n/a

Justification Statement:

Background: The applicant seeks to create a new Urban Enterprise Zone located at 2120 Forest Park Road, S.E. Atlanta.

Fund Account Center:

Source of Funds: Private lenders and other sources.

Fiscal Impact: None

Term of Contract:

Method of Cost Recovery:

Approvals:

DOF: *E. Rames*

DOL: *Kristen Brooks Denius*

Prepared By: Linwood Robinson

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